

U.S. Appl. No. 09/844,354
Reply to Office Action dated December 29, 2005

PATENT
450100-4138.1

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance. The present remarks are being made to facilitate prosecution of the application.

Claims 1-25 are pending. Claims 1, 11-13 and 21-25 are independent. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 1-25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,585,838 to Lawler, et al. (hereinafter, merely "Lawler") in view of U.S. Patent No. 5,686,954 to Yoshinobu, et al. (hereinafter, merely "Yoshinobu").

Yoshinobu is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

Yoshinobu and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

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Accordingly, Yoshinobu is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Yoshinobu in the above-noted Office Action are overcome.

Therefore, Applicants submit that claims 1-25 are patentable.


CONCLUSION

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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